

11/30/72

Dear Phil,

For some years we have had neither the time nor the slight money for Xmas cards. We like to get them. They tell us friends from whom we have not heard are still around, sometimes a bit more.

Having slept to a compromise time, a bit earlier than a proper wake-up time and later than ~~ix~~ permits any work before breakfast and waking my wife, I do have time for a note. I usually awaken about 4, but now, almost without exception if I want to, I go back to sleep.

I imagine you may have been concerned about our situation. It has taken a slight turn for the better with regard to the litigation. After a year in which he did nothing, we have shaped our lawyer up. At least the signs are that I did. He says he will get on the case now, anyway, and shows signs of it. Had he been doing his work, I'd not have had to look for expert witnesses. He'd have done it.

If he doesn't, I think I've found another lawyer who is expert in the specialized field, ecology. Ethics prevents his saying he'll take the case or even discussing it. However, he has let me deduce that he'd join, I've suggested it, and the verbal representation is of willingness by my lawyer. We'll have to wait and see. What brought this to a head is his exceptional pressure to get me to accept a settlement from the government he knew in advance we would not consider and my vigorous reaction to it. Then he set the case for trial without talking to me, ever looking at our own records and evidence, an entire file cabinet of it (this is a very old case), and I reacted quite strongly to that. His explanation could trigger paranoia: the U.S. attorney on the case is leaving that office. A real non-sequetur.

On the medical-evidence front things have also improved. Again, I've had to do what the lawyer should have, and it is emotionally draining. Our medical co-op gave him only partial record, not enough for a comparison by an expert. I had arranged for 100% of them, we signed releases for 100% of them, and when I learned in July that he was missing the first 20 years, he agreed to get the rest. I think the coop is hung up on fear of a malpractise suit. I have no intentions that way, nor the capability, but they do not react until they are in a position in which coming accross seems to be the lesser evil. I assume that they will now do it, having written me that they will.

Through some wonderful young people in the ecological groups, I've come accross new literature that holds promise. EPA's and other scientific work. If you ever have need for the knowledge I sought of you, the leads are in EPA hearings, especially Volume VII, the effects of noise on people. Their monographs that I've seen are sterile, but the testimony I've read is not at all. EPA itself is. They'll soon dump the activists believers who take it all seriously because pretense with good publicity is politically safer.

The medical testimony I've found is an exact representation of what happened to us, particularly to my wife. All of it was exactly predictable. One of the co-op's hangups is that they didn't recognize it and refused to listen to me, evaluating me a nut when I persisted in trying to get them to do something. Not only from the doctors, either. I found a woman on the west coast whose reactions in finest detail coincide with my wife's. Exactly the same minifestations and so close a duplication that in her case also the decibel level was irrelevant.

So, we have the reassurance that expert medical testimony is possible and that such reactions are not unknown. This is not the same as getting the expert testimony before the court, but it indicates that may not be impossible.

Or, except that emotionally and financial we are in the same bad shape, things are a bit better than they were.

I hope your recovery has proceeded well and that you have again joined the world, in full vigor.

After long silence I heard from New Orleans: nine pages of a vacuous Garrison press release headed as his "answer" to the Supreme Court. Sic transit...our best,